

Kevin P. Rooney, #107554
Of Counsel, HAMMERSCHMIDT LAW CORPORATION
2445 Capitol Street, Suite 215
Fresno, CA 93721
Tel: (559) 233-5333
Fax: (559) 233-4333

Attorney for Defendant, GERARDO DIEGO PEREZ

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO PEREZ,

Defendant.

CASE NO. 1:21-CR-00185-JLT-BAM

STIPULATION TO CONTINUE CHANGE OF
PLEA DATE PLEA, AND EXCLUDE TIME
PERIODS UNDER THE SPEEDY TRIAL ACT;
ORDER

DATE: June 24, 2024

COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This case was set for a change of plea on June 24, 2024.
2. The parties request the Court allow them to stipulate to and request a change of plea date of September 16, 2024 before the Honorable Jennifer L. Thurston. Defense counsel is continuing to work with the defendant regarding this case.
3. Based on the above-stated findings, the ends of justice served by continuing the case for a change of plea as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 18, 2024 to September 16, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice

served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. The parties agree and stipulate, and request that the Court find the following:

a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.

b) The parties anticipate the defendant entering a change of plea on September 16, 2024.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 18, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: June 18, 2024

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
GERARDO PEREZ

FINDINGS AND ORDER

The change of plea date currently set for June 24, 2024 is vacated. The matter is hereby scheduled for a change of plea on September 16, 2024.

Time is excluded through September 16, 2024 pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv). The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: June 19, 2024


UNITED STATES DISTRICT JUDGE